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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,627	09/08/2003	Michael Hughes	07319-080004	3439

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EXAMINER
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VU, DAVID HUNG

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/658,627

**Applicant(s)**

HUGHES ET AL.

**Examiner**

**David Vu**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-78 is/are pending in the application.  
4a) Of the above claim(s) 20-54 and 65-78 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 2-16 and 55-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 10,17, and 62 and the claims dependent thereon in the reply filed on 06/17/2005 is acknowledged.
2. Claims 20-54 and 65-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/17/2005.

### ***Specification***

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The disclosure is objected to because of the following informalities: page 1, section "Cross-Reference to Related Applications", the information regarding current status of all U.S. applications must be updated, for example, 09/756,037, now U.S. Pat. No. 6,515,435.

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the features "remotely selecting" the data items (claims 10, 62), "remotely-issued command" (claim 17) are not disclosed in the specification.

***Claim Objections***

6. Claim 63 is objected to because of the following informalities: "dinner" is incorrect.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-16 and 55-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 55, the recitation "...a command indicative of one of a plurality of pixel sets, at least one of which pixel sets which define light images including light shapes which can be described as a plurality of pixels" renders the claim unclear as to what applicant is trying to claim. Also, the phrase "a memory, which stores a library of pixel sets" (claim 2) and "storing a library of pixel sets" (claim 55) are also unclear. How can the pixel sets be physically stored in a memory device? Does applicant mean storing some kind of information/data relating to the pixels?

Claim 2, "an output signal indicative of a specific pixel set...to be retrieved from said memory." also is unclear as to what applicant is trying to claim. What exactly is being retrieved from the memory?

Claim 55, "light shapes which can be described as a plurality of pixels receiving a command indicative of one of said plurality of pixel sets" is unclear as to what applicant is trying to claim.

Claim 10, the recitation "one of said data items defining a shape which shapes a light beam" renders the claim unclear as to what applicant is trying to claim. Also, "each said data item including a plurality of pixels" is also unclear. How can the pixels be physically stored in a memory device?

Claim 18, the recitation "a shape for light to be projected" renders the claim unclear as to what applicant is trying to claim.

Claim 61, the claim is indefinite since it cannot be dependent on itself.

Claim 62, the recitation "...being a shape which shapes a light beam" renders the claim unclear as to what applicant is trying to claim. Also, "storing a library of data items, each said data item being a plurality of pixels" is also unclear. How can the pixels be physically stored in a memory device?

The above mentioned list is not exhaustive. Applicant is recommended to correct other deficiencies in the claim language in order to conform with U.S PTO practice.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 2-7, 9, and 55-60, insofar as understood, are rejected under 35

U.S.C. 102(e) as being anticipated by Erskine et al (hereinafter Erskine), U.S. Pat No 5,805,119.

Erskine discloses the claimed invention including a controller 84 receiving a command indicative of pixel display data; memory 92; processing part 94 producing a control program related to pixel display data processing; micro mirror device 20, see, for example, figures 1 and 9, column 2, lines 49-63, column 5, lines 1-57, claim 2.

Regarding claim 3, micro mirror device 20 may be located in a path of light beam from source 26.

Regarding claims 5-6, controller 84 inherently can be seen as part of reconfigurable logic forming a portion of a communication circuit.

Regarding claim 7, memory 92 is relatively local to light source 26 and inherently sharing a common data bus with controller 84 and processing part 94.

The claimed method is inherent in the Erskine reference.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erskine.

Erskine as discussed from the above, essentially discloses the claimed invention but fails to explicitly disclose a video driver. However, Erskine does disclose (column 5, lines 57-62) the display may be a video type display. It would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Erskine reference with a video driver included in the processing part; thus, means for supplying video signals would have been realized.

#### ***Allowable Subject Matter***

13. Claims 17-19 are allowed.

14. Claims 10-16 and 62-64 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu  
Primary Examiner  
Art Unit 2828

dv